

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: July 8, 2015

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of a request by the Midpeninsula Regional Open Space District (MROSD) to determine if acquisition of a privately-owned 5.07-acre parcel (APN 075-340-240) on Bear Gulch Road, west of Skyline Boulevard, for use as open space, natural resource management, habitat preservation, and low intensity recreation conforms to the County General Plan.

County File Number: PLN 2015-00229

PROPOSAL

The Midpeninsula Regional Open Space District seeks a determination of whether its proposed acquisition of a privately owned 5.07-acre parcel (075-340-240), located on Bear Gulch Road, west of Skyline Boulevard, in the vicinity of Sky Londa, conforms to the County General Plan. The parcel is unimproved and currently unused, and is intended to be added to MROSD's adjacent La Honda Creek Open Space Preserve, and used as open space, natural resource management, habitat preservation, and low intensity recreation.

RECOMMENDATION

That the Planning Commission find and report that MROSD's proposed acquisition of APN 075-340-240 for use as open space, natural resource management, habitat preservation, and low intensity recreation conforms to the County General Plan.

SUMMARY

The subject parcel is located on the east side of Bear Gulch Road, roughly 1.5 miles west of Skyline Boulevard. The property is adjacent to the La Honda Creek Open Space Preserve, and is characterized by grassy meadows and mixed forest cover. The property also contains the headwaters of Harrington Creek. The property is not improved with residential or agricultural structures, although there are two wood stage structures and a former shed on the property, as well as a network of single track trails and an old road. The property is currently owned by a private land owner, and is intended after acquisition to be added to MROSD's adjacent La Honda Creek Open

Space Preserve, for use as open space, natural resource management, habitat preservation, and low intensity recreation.

The acquisition of the properties MROSD is consistent with: the Vegetative, Water, Fish and Wildlife Resources Policies of the General Plan, which require the County to minimize adverse impacts on such resources, to prioritize managed use and protection of such resources, and to protect these resources; the Soil Resources and Visual Quality Policies, which require the County to minimize soil erosion, grading, and land clearing; the Park and Recreation Resource Policies, which encourage provision of passive park and recreation space in order to protect and preserve environmentally sensitive open space, and to design sites that accommodate recreation that minimize adverse impacts on natural environments. The proposed acquisition is, therefore, consistent with the County's General Plan

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RECOMMENDATION

That the Planning Commission find and report that MROSD's proposed acquisition of APN 075-340-240 for use as open space, natural resource management, habitat preservation, and low intensity recreation conforms to the County General Plan.

BACKGROUND

Report Prepared By: William Gibson

Applicant: Midpeninsula Regional Open Space District

Owner: John S. Ashworth

Location: Bear Gulch Road, west of Skyline Boulevard, near Sky Londa.

APN: 075-340-240

Size: 5.07 Acres

Existing Zoning: Timberland Preserve Zone (TPZ)

General Plan Designation: Timber Production

Sphere-of-Influence: N/A

Existing Land Use: Unimproved Open Space and Timberland

Water Supply: None

Sewage Disposal: None

Flood Zone: Zone X, Area of Minimal Flooding

Environmental Evaluation: A request for General Plan Conformity analysis is not a project under the California Environmental Quality Act (CEQA), and is not subject to environmental evaluation. Any future development proposed on the property would need to address relevant CEQA requirements.

Setting: The property consists of varied forest cover and meadowland.

DISCUSSION

A. KEY ISSUES

1. Basis for Acquisition

Midpeninsula Regional Open Space District provides the following description of the property and proposed acquisition, from MROSD's Board report of May 13, 2015:

"The 5.07-acre Ashworth property is located on the east side of Bear Gulch Road approximately 1.5 miles from the intersection of Skyline Boulevard, in unincorporated San Mateo County. The rectangular shaped parcel is bounded by the Preserve and private property to the south and by private parcels to the north, east and west.

"The parcel was created in 1985 as part of the subdivision of a larger 40-acre property. The subdivision created three developable parcels and two of the three are improved with single family residences. The subdivision also required the creation of a Timber Harvest Agreement with San Mateo County as the property is zoned Timberland Preserve [...]. The Timber

Harvest Agreement requires that if a timber harvest occurs, all three parcels be harvested jointly.

“The property is characterized by down sloping terrain that flows into the Harrington Creek watershed. Redwood, Douglas fir, and mixed evergreen forest grow on the property’s slopes, with grassy meadows on the flatter plateaus. The property provides varied habitat, forage, and unimpeded movement for local species. A narrow, unimproved driveway provides access from Bear Gulch Road and connects to an old road on the La Honda Creek Open Space Preserve.

“The property is not improved with residential or agricultural structures. There are two wood stage structures and a former shed structure on the property as well as a network of single track trails and an old road. Prior percolation and water well testing indicate that a single family home would be supported. The property has electrical service via an above ground PG&E transmission line that passes through the property.”

The property contains the headwaters of Harrington Creek.

The property is currently owned by a private land owner, and is intended after acquisition to be added to MROSD’s adjacent La Honda Creek Open Space Preserve, for use as open space, natural resource management, habitat preservation, and low intensity recreation.

2. Reason for General Plan Conformity Determination

Per California Government Code Section 65402, prior to any acquisition of property for public purpose, the acquiring agency must request a determination of the acquisition’s consistency with the adopted General Plan.

3. Conformance with the San Mateo County General Plan

The proposed acquisition potentially involves the following General Plan policies, which are addressed herein.

a. Vegetative, Water, Fish and Wildlife Resources Policies

- (1) Policy 1.22.a of the County General Plan requires that the County regulate land uses and development activities to prevent and, if infeasible, mitigate to the extent possible, significant adverse impacts on vegetative, water, fish and wildlife resources.

- (2) Policy 1.23 requires the County to regulate the location, density and design of development to minimize significant adverse impacts and encourage enhancement of vegetative, water, fish and wildlife resources.
- (3) Policy 1.24 requires that the County ensure that development will (1) minimize the removal of vegetative resources; and/or (2) protect vegetation which enhances microclimate, stabilizes slopes or reduces surface water runoff, erosion or sedimentation; and/or (3) protect historic and scenic trees.
- (4) Policy 1.27 requires that the County regulate land uses and development activities within and adjacent to sensitive habitats, and permit only land uses and development activities that are consistent with protection of sensitive habitats, including such uses as fish and wildlife management, trails and scenic overlook, and minimally necessary public service and private infrastructure.

Discussion: The subject property is characterized by varied timber and tree cover, meadowland, and other vegetation typical of the County's coastal areas. The property contains vegetative and wildlife resources, and provides habitat for various flora and fauna native to rural areas. The property may contain protected or sensitive habitats or species. The property also contains riparian areas related to the headwaters of Harrington Creek.

Midpeninsula Regional Open Space District has not proposed any developments on the property proposed for acquisition, or any changes to the conditions or uses of the property at this time. The proposal is limited to acquisition of the property, and any subsequent changes in use would be determined through a planning process, consistent with applicable County regulations. The acquisition in itself does not conflict with the General Plan's vegetative, water, fish and wildlife resources. In addition, MROSD has indicated its intent to maintain this property for use as open space, natural resource management, habitat preservation, and low intensity recreation. Such future uses are consistent with these General Plan policies. Any future planning and development of the site would require additional environmental evaluation, consistent with the requirement pertinent to the proposed development, and would require such mitigation measures as determined by evaluation.

b. Soil Resources and Visual Quality Policies

- (1) Policy 2.17 calls for the County to regulate development to minimize soil erosion and sedimentation.
- (2) Policy 2.23 calls for the County to regulate excavation, grading, filling and land clearing activities to protect against accelerated soil erosion and sedimentation.
- (3) Policy 4.25.a calls for minimizing grading or earth-moving operations.
- (4) Policy 4.25.b requires blending graded areas with adjacent landforms through the use of contour grading rather than harsh cutting or terracing of the site.

Discussion: The proposed acquisition does not conflict with the General Plan Soil Resources Policies or Visual Quality Policies. Midpeninsula Regional Open Space District is not proposing any land disturbance at this time. Any proposed future development would be subject to the County Grading Ordinance, which incorporates measures to minimize soil erosion and sedimentation. In addition, MROSD's intended uses for the property, as described above, are consistent with these General Plan policies.

c. Park and Recreation Resource Policies

- (1) Policy 6.10 generally encourages park providers to locate passive park and recreation facilities in rural areas in order to protect and preserve environmentally sensitive open space lands. This policy considers the following activities to be generally compatible with passive park and recreation facilities: camping, hiking, picnicking, horseback riding and nature study.

Discussion: The subject property is in the County's formally designated rural zone. The property is not currently used for recreation, and is crossed only by a disused road and multiple trails. Midpeninsula Regional Open Space District has expressed the intent to join the property to the adjacent La Honda Creek Open Space Preserve, for use as natural resource protection, low intensity recreation, open space, and ecological preservation. Midpeninsula Regional Open Space District's required planning for these uses, as specified in its Service Plan, includes measures entirely consistent with Policy 6.10.

- (2) Policy 6.12 calls for the minimization of conflict between agricultural and park uses, and the preservation of the best agricultural land for agricultural uses. While the subject property is designated and zoned for timber production, it is not, and has not been harvested, and is bound by the Timber Harvest Agreement described in MROSD's excerpted Board report, above. While MROSD's acquisition, and the Timber Harvest Agreement, do not in and of themselves absolutely preclude timber harvest, MROSD has indicated no intent to pursue such operations, and the joint agreement makes timber harvest unlikely. Should future timber harvest occur, MROSD can ensure compliance with Policy 6.12 by buffering any such use from whatever park uses may be created on the property.
- (3) Policy 6.14 calls for the County to encourage all providers to design sites to accommodate recreation uses that minimize adverse effects on the natural environment and adjoining private ownership.

Discussion: While MROSD has not formulated any specific development proposals, the general intended uses of the acquired property for habitat and natural resource protection, and only low intensity recreational uses, are entirely consistent with Policy 6.14 of the General Plan.

Acquisition of the parcel is consistent with the County General Plan.

B. ALTERNATIVES

The alternative to a finding of conformity would be to find and report that the acquisition does not comply with the County's General Plan.

C. ENVIRONMENTAL REVIEW

A request for General Plan Conformity analysis is not a project under the California Environmental Quality Act (CEQA), and is not subject to environmental evaluation. Any future development proposed on the property would need to address relevant CEQA requirements.

D. REVIEWING AGENCIES

County Counsel

ATTACHMENTS

- A. Recommended Findings
- B. Midpeninsula Regional Open Space District Board Report
- C. Vicinity Map

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDING

Permit or Project File Number: PLN 2015-00229

Hearing Date: July 8, 2015

Prepared By: William Gibson
Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDING

1. Find and report that the proposed acquisition that MROSD's proposed acquisition of APN 075-340-240 for use as open space, natural resource management, habitat preservation, and low intensity recreation conforms to the General Plan Vegetative, Water, Fish and Wildlife Resources Policies, Soil Resources Policies, Visual Quality Policies, and Park and Recreation Resource Policies, and is consistent with the County's General Plan.

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Midpeninsula Regional
Open Space District

ATTACHMENT B

R-15-74
Meeting 15-13
May 13, 2015

AGENDA ITEM

Proposed Purchase of the Ashworth Property as an addition to La Honda Creek Open Space Preserve located on Bear Gulch Road in unincorporated San Mateo County (Assessor's Parcel Number 075-340-240).

GENERAL MANAGER'S RECOMMENDATIONS

A handwritten signature in black ink, appearing to be "G. G.", is written over the end of the "GENERAL MANAGER'S RECOMMENDATIONS" heading.

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA), as set out in the staff report.
2. Adopt a Resolution authorizing the purchase of the Ashworth property.
3. Adopt a Preliminary Use and Management Plan for the property, as set out in the staff report.
4. Indicate the intention to withhold the Ashworth property as public open space.

SUMMARY

The Midpeninsula Regional Open Space District (District) is proposing to purchase the 5.07-acre Ashworth property for \$525,000 as an addition to the La Honda Creek Open Space Preserve (Preserve). Because of its strategic location, this property may serve a critical role in connecting El Corte de Madera and La Honda Creek Open Space Preserves in the future. The following report presents a description of the Ashworth property, a Preliminary Use and Management Plan, the District's environmental review, the purchase terms and conditions, and financial considerations. The proposed purchase is identified as part of Measure AA Project #5. The Fiscal Year (FY) 2015-16 Budget contains sufficient funds to cover the cost of this purchase.

MEASURE AA

The purchase of the Ashworth property would further the District's Vision Plan and qualify as a Measure AA Project. A 5-year Measure AA Project List was approved by the Board at the October 29, 2014 meeting, which includes Project #5.1 (Pursue Land Conservation Opportunities at La Honda Creek Open Space Preserve). This project meets the criteria to further the goals of Project #5.1 as it conserves open space, increases recreational opportunities, and protects the headwaters of Harrington Creek watershed and its wildlife habitats.

DISCUSSION

The Ashworth property is adjacent to the 6,068-acre La Honda Creek Open Space Preserve and contains the headwaters of Harrington Creek. The 2,906 acre El Corte De Madera Creek Open Space Preserve is located across Bear Gulch Road in close proximity. The Ashworth property may serve a critical role in establishing a future connection between the two preserves.

Property Description and Regional Context (see attached map)

The 5.07-acre Ashworth property is located on the east side of Bear Gulch Road approximately 1.5 miles from the intersection of Skyline Boulevard, in unincorporated San Mateo County. The rectangular shaped parcel is bounded by the Preserve and private property to the south and by private parcels to the north, east and west.

The parcel was created in 1985 as part of the subdivision of a larger 40-acre property. The subdivision created three developable parcels and two of the three are improved with single family residences. The subdivision also required the creation of a Timber Harvest Agreement with San Mateo County as the property is zoned Timberland Preserve-Coastal Zone (TPZ-CZ). The Timber Harvest Agreement requires that if a timber harvest occurs, all three parcels be harvested jointly.

The property is characterized by down sloping terrain that flows into the Harrington Creek watershed. Redwood, Douglas fir, and mixed evergreen forest grow on the property's slopes, with grassy meadows on the flatter plateaus. The property provides varied habitat, forage, and unimpeded movement for local species. A narrow, unimproved driveway provides access from Bear Gulch Road and connects to an old road on the La Honda Creek Open Space Preserve.

Improvements and Land Use

The property is not improved with residential or agricultural structures. There are two wood stage structures and a former shed structure on the property as well as a network of single track trails and an old road. Prior percolation and water well testing indicate that a single family home would be supported. The property has electrical service via an above ground PG&E transmission line that passes through the property.

USE AND MANAGEMENT

Planning Considerations

The property is comprised of one legal parcel, located in unincorporated San Mateo County. The 5.07-acre parcel has a General Plan designation of Timber Production-Rural, with a zoning designation of TPZ-CZ (Timberland Preserve - Coastal District). Per the County General Plan, outdoor recreation, open space, and outdoor education are allowable uses in rural land use areas with a TPZ-CZ designation. Per the zoning designation, only one dwelling unit is permitted. No applications are on file.

Per the County's General Plan Rural Land Use Element, land within the TPZ District "*may not be divided into parcels less than 160 acres in size unless a timber management plan is approved by a four-fifths vote of the Board of Supervisors.*" A Timber Management Plan was adopted as part of a Timber Harvest Agreement (THA) by the San Mateo County Board of Supervisors on June 23, 1987 (Resolution No. 49266), in conjunction with approval of an application to subdivide the former 40-acre timberland preserve property into three parcels. The subject parcel

is one of the three parcels that resulted. The other two private parcels were residentially developed. Under the terms of the THA, all obligations, term, conditions, and restrictions of the THA binds all owners and successors of all parcels that resulted.

If purchased by the District, the property would be incorporated into the La Honda creek Open Space Preserve and the proposed Preliminary Use and Management Plan would be implemented. A subsequent planning process would analyze opportunities for natural resource management and public use compatible with surrounding rural land use. Further environmental review would be prepared as needed.

Preliminary Use and Management Plan

The Preliminary Use and Management Plan (PUMP) establishes a status quo land management approach in the interim between the purchase and the completion of a subsequent long-term plan. The PUMP takes effect at the close of escrow and remains effective until the plan is amended or the Comprehensive Use and Management Plan or Preserve Plan is amended for La Honda Creek Open Space Preserve. The PUMP includes site security, new signage, and maintenance of the property in its natural condition, as described more fully below. If changes to land use or the physical environment are proposed in the future, the plan would be subject to further environmental review and public input.

Public Access:	Designate the property as closed to public use at this time. Issue seller/neighbor permits on a case-by-case basis allowing hiking use consistent with historical use patterns.
Signs and Site Security:	Install Preserve boundary and closed area signs, where appropriate.
Fences and Gates:	Install gates/fencing as necessary to prevent unauthorized vehicular entry.
Roads and Trails:	Maintain access route into the site in a serviceable condition. Implement maintenance and minor erosion and sediment control measures for access roads in accordance with District standards.
Patrol:	Routinely patrol property using existing access.
Structures and Improvements:	Remove existing improvements on the property, including the two stages, seating areas, and any other unnecessary items.
Resource Management:	Conduct invasive plant and animal management activities consistent with the District's standard policies and procedures.
Wildfire Fuel Management:	Implement standard District-wide fuel management and defensible space practices.
Site Safety Inspection:	No evidence of hazardous materials detected.
Name:	Name the property as an addition to La Honda Creek Open Space Preserve.

Dedication: Indicate your intention to withhold the subject property as open space.

CEQA COMPLIANCE

Project Description

The project consists of the purchase of the 5.07-acre Ashworth property as an addition to the District's open space preserve system and concurrent adoption of a Preliminary Use and Management Plan. Minor erosion and sediment control measures in accordance with District standards may be conducted along the existing access routes/trails to prevent water quality degradation. Minor resource management activities may be conducted to control invasive plants. Minor demolition work may occur to remove the existing stages and associated improvements. The land would be permanently preserved as open space and maintained in a natural condition.

CEQA Determination

The District concludes that this project will not have a significant effect on the environment. It is categorically exempt from the California Environmental Quality Act (CEQA) under Article 19, Sections 15301, 15316, 15317, 15325 and 15061 of the CEQA Guidelines as follows:

Section 15301 exempts the repair, maintenance, or minor alteration of existing public or private structures, facilities, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination, including the demolition of individual small structures. The project proposes demolishing the two stage structures, performing erosion control work as necessary along existing roads, and performing minor restoration activities to return the demolition sites to a natural condition.

Section 15316 exempts the acquisition of land in order to create parks if the land is in a natural condition and the management plan proposes to keep the area in a natural condition. The Preliminary Use and Management Plan specifies that the land will not be developed and will remain in a natural condition.

Section 15317 exempts the acceptance of fee interests to maintain the open space character of an area. The District will acquire fee interest to maintain the open space character of the property.

Section 15325 exempts transfers of ownership of interests in land to preserve open space. This acquisition will transfer fee ownership of the property to the District and ensure that the open space will be preserved. The Preliminary Use and Management Plan ensures that the property is preserved as open space by incorporating it into the La Honda Creek Open Space Preserve.

Section 15061(b)(3) exempts actions recommended in the Preliminary Use and Management Plan as it has been determined that there is no possibility the recommended actions will have a significant effect on the environment.

TERMS AND CONDITIONS

The 5.07-acre Ashworth property is proposed for purchase at a price of \$525,000. The property has fair market value determined to be \$525,000 based upon the property being listed and exposed to the market. There is a back up purchase offer from a private party in the event the

District does not approve the proposed purchase. The Seller is responsible for removing the remnants of the shed structure from the property before the close of escrow. The property would be purchased on an all cash basis.

FISCAL IMPACT

Fiscal Year (FY) 2015–2016 Budget for New Land Purchases:

New Land Purchases Budget (FY 2015-16)	\$11,000,000.00
Previous Land approved for purchase this year	(\$0)
Ashworth Property	(\$ 525,000.00)
POST (Hendrys Creek) Property (also on this agenda)	Partner Funded
New Land Purchase Budget Remaining	\$10,475,000.00

The District Controller was consulted on this proposed purchase and has indicated that, considering cash flow and account balances, funds are available for this property purchase.

Installation of boundary demarcation and gates/fencing as necessary to prevent unauthorized vehicular entry is estimated at \$10,000 and the costs to remove the stage improvements are estimated at \$10,000. These costs are included in the Real Property Budget for FY2015-16. No other capital costs are required as part of the purchase.

BOARD COMMITTEE REVIEW

This item was not previously brought before the Real Property Committee as the District needed to move very quickly to secure this opportunity given the active second offer on this property. However, the acquisition was discussed with and approved by the General Manager pending Board action.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. Property owners of land located adjacent to or surrounding the subject property have also been mailed a copy of this Agenda.

NEXT STEPS

Upon Board approval, the General Manager with direct staff to proceed with the close of escrow for the purchase of the property and implement the Preliminary Use and Management Plan. Real Property staff will work towards having the stage improvements removed and the District's Skyline Field Office will manage the property as an addition to La Honda Creek Open Space Preserve.

Attachments:

1. Resolution
2. Exhibit A: Location Map

Responsible Department Head:
Michael Williams, Real Property Manager

Prepared by:

Allen Ishibashi, Senior Real Property Agent
Elish Ryan, Real Property Planner III

Contact person:

Allen Ishibashi, Senior Real Property Agent

Graphics prepared by:

Michele Childs, GIS Technician



San Mateo County Planning Commission Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____